

**Remarks**

Applicant has amended claims 1, 10, 16, 20 and 21. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. Entry of the amendment and favorable consideration thereof is earnestly requested.

The Examiner has rejected claims 1-3, 5-12, 14-18 and 20-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,070,475 to Muehlhauser et al. ("the '475 patent") in view of U.S. Patent No. 5,099,686 to Köhler ("the '686 patent"). The Examiner has further rejected claims 4, 13 and 19 under 35 U.S.C. §103(a) as being unpatentable over the '475 patent in view of the '686 patent and further in view of U.S. Patent No. 5,233,865 to Rossow ("the '865 patent"). These rejections are respectfully traversed.

As amended claims 1 and 10 require among other elements, a body section, having an end formed as a hemispherical tip portion, said body section being substantially cylindrical and having a diameter that is not less than a diameter of the end. In addition, as amended claim 16 requires among other steps, providing a substantially cylindrical body section and forming an end of the body section as a hemispherical tip portion having a diameter that is not greater than a diameter of the body section.

The '686 patent teaches use of a "sensor head portion having a largest diameter being greater than the outside diameter of the sensor shaft" such that a "zone of calmed flow (so-called dead water) forms behind a step-shaped shoulder, which has a defined, stationary pressure distribution" in which the "lee pressure" is measured. (Col. 1, lines 60-2, col. 2, lines 23-8, Figs. 3, 5, 7, 8B and 10). Applicant further respectfully submits that the '475 patent fails to teach a body section being substantially cylindrical and

having a diameter that is not less than a diameter of the end or a hemispherical tip portion as required by all of the claims. Therefore no combination of the '686 patent with the '475 patent can render the present claims obvious. Rather combination of the '686 patent with the '475 patent would result in many different combinations of probe configurations. Even if one were to select the specific combination utilizing the probe body and hemispherical end embodiment of the '686 patent in connection with the conduit opening embodiment of Figure 3 of the '475 patent, one would still have a probe where the diameter of the end is greater than the diameter of the probe body. Applicant further respectfully submits that it would not be obvious to further modify the combination to eliminate "step-shaped shoulder" between the head and body portion because it is a primary teaching of the '686 patent which was used to differentiate the invention of the '686 patent over the prior art. (Col. 5, lines 32-38, Fig. 1).

Applicant further submits that there is no motivation to select the specific features of the various embodiments as the examiner has suggested. If one were to combine these references one could arrive at many different combinations other than that suggested by the examiner. For instance, the '475 patent teaches use of "continuously swept" or "L shaped" probes with a "freely extending conduit" positioned therein. (Col. 1, lines 22-3, col. 5, line 67; Figs. 1-4). Any combination of the '475 patent with the '686 patent then could result in a probe with a continuously swept body as taught in every embodiment of the '475 patent. There is no motivation to disregard this teaching of the '475 patent. Still further, applicant respectfully submits that the '686 patent teaches many different end configurations, only one of which is hemispherical (i.e. "conical, ogee-shaped, parabolic, hemispherical" and that "the invention is not restricted to such shapes" and further includes "polyhedrally" defined head shapes) (Col. 7, lines 19-23, Figs. 3, 5 & 6). Other than by utilizing the present application as a road map, applicant respectfully submits that there is no motivation to select from all of these numerous configurations, the particular features claimed in the present application as is suggested.

Page 9  
Serial No. 10/620,393  
Response to Official Action

Applicant therefore respectfully submits that because neither the '475 patent nor the '686 patent teach, disclose or suggest a body section having a diameter that is not less than a diameter of the end no combination of the two references can render any of the present claims obvious.

It is respectfully submitted that claims 1-21, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,



---

Wesley W. Whitmyer, Jr., Registration No. 33,558  
Steven B. Simonis, Registration No. 54,449  
Attorneys for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155